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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 JAKE BOGDON,
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9 Plaintiff,

10 v.
11 NEWMONT USA LIMITED, D/B/A Newmont
12 Mining Corporation, A Delaware corporation
13 doing business in the State of Nevada,
14 Defendant.

15 2:11-cv-0258-LDG-GWF

16 **ORDER**

17 Plaintiff Jake Bogdon brought this action against Newmont USA Limited (“Newmont”)
18 alleging violations of state and federal overtime laws. Newmont has filed a motion to dismiss
19 arguing that Bogdon’s Complaint is factually insufficient (#9, opp’n #13, reply #14). Bogdon
20 opposes Newmont’s motion and maintains that he has sufficiently pled his claims. Newmont’s
21 reply correctly suggests that the additional facts necessary to Bogdon’s opposition further illustrate
22 the insufficiency his Complaint.

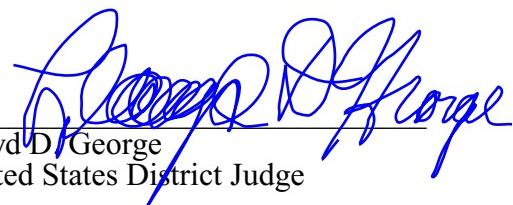
23 Newmont has also filed a motion to transfer this case to the northern division in Reno
24 pursuant to LR IA 8-1(c) and 28 U.S.C. § 1404(a) (#10, non-opp’n #11). Newmont requests this
25 transfer based on the convenience of the parties and the anticipated witnesses. Accordingly,

26 THE COURT HEREBY ORDERS that Newmont’s motion to dismiss (#9) is GRANTED.
Bogdon may file an amended complaint within thirty days (30) of this order.

THE COURT FURTHER ORDERS that Bogdon’s motion for attorneys’ fees (#13) is
DENIED.

1 THE COURT FURTHER ORDERS that Newmont's motion to transfer the case to the
2 northern division (#10) is GRANTED. The undersigned will continue to preside over this matter.
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5 DATED this 3 day of May, 2011.

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7 Lloyd D. George
8 United States District Judge

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